

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ROBERT FIREMAN & ANN RAIDER,)
Plaintiffs,)
)
v.) C.A. No. 05-11740-MLW
)
NEWS AMERICA MARKETING)
IN-STORE, INC.,)
Defendant.)

ORDER

WOLF, D.J.

October 4, 2007

For the reasons discussed in detail in court on October 4, 2007, it is hereby ORDERED that:

1. Plaintiffs' Motion for Leave to File a Reply to Defendant's Opposition to Plaintiffs' Motion for Leave to Disclose Experts Beyond Expert Disclosure Date (Docket No. 47) is ALLOWED.

2. Plaintiff's Motion for Leave to Disclose Experts Beyond Expert Disclosure Date (Docket No. 41) is ALLOWED. Although plaintiffs do not have substantial justification for their failure to make a timely request for an extension of the deadline to designate experts, any delay in this case would be harmless. See Fed. R. Civ. P. 37(c)(1); see also Gagnon v. Teledyne Princeton, Inc., 437 F.3d 188, 191, 197-98 (1st Cir. 2006); Primus v. United States, 389 F.3d 231, 235 (1st Cir. 2004); Alves v. Mazda Motor of Am., Inc., 448 F. Supp. 2d 285, 293 (D. Mass. 2006).

3. Defendant shall file a motion for summary judgment by October 31, 2007. Plaintiffs shall respond by December 5, 2007. Defendant shall file any reply by December 14, 2007. Plaintiffs

shall file any sur-reply by December 28, 2007.

4. A hearing on the motion for summary judgment shall be held on January 28, 2007, at 3:00 p.m.

5. Further expert discovery is STAYED pending the resolution of defendant's motion for summary judgment. If the motion for summary judgment is denied, the court will establish a schedule for the completion of expert discovery and for trial.

/s/ Mark L. Wolf
UNITED STATES DISTRICT JUDGE